

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,668	08/16/2001	Andrew Michael Pelletier	GEMS:00551/YOD 31-PN-62	3806
7590 12/01/2004			EXAMINER	
Patrick S. You	ler			
Fletcher, Yoder	& Van Someren			
P.O. Box 692289			ART UNIT	PAPER NUMBER
Houston, TX	77269-2289		· · · · · · · · · · · · · · · · · · ·	
			DATE MAILED: 12/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Notification of Non-Compliant Appeal Brief PELLETIER ET AL. 09/931.668 (37 CFR 41.37) Art Unit Examiner 3762 Mark W Bockelman --The MAILING DATE of this communication appears on the cover sheet with the correspondence address--The Appeal Brief filed on 9-03-2004 is defective for failure to comply with one or more provisions of 37 CFR 41.37. To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136. 1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order. 2. \square The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)). At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)). 4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). 5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)) 6. □ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)). 7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)). The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)). 9. □ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x). 10. ☑ Other (including any explanation in support of the above items): Applicant must identify the structure in the specification for each argued claim element and particularly identify each corresponding means plus function and step plus function for each claim argued separately and set forth the structure in specification corresponding to said means. Appellant is advised to review all new rule requirments at http://www.uspto.gov/web/offices/com/sol/og/2004/week36/patbpai.htm for compling under 37 CFR 41.37 MalBiell

Mark Bockelman Pungary Examiner